

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

vs.

KELVIN CARNELL GOLDEN

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CRIMINAL NO.10-00159-KD

**AMENDED POSITION OF DEFENDANT
WITH RESPECT TO SENTENCING FACTORS**

COMES NOW Defendant, Kelvin Carnell Golden, by and through undersigned counsel and, in accordance with the Court's Standing Order dated December 23, 2003, files his amended position regarding the sentencing factors contained in the Presentence Investigation Report ("PSI"), and states as follows:

1. Defendant was initially represented by different counsel upon his plea of guilty who filed Defendant's Position of Parties with Respect of Sentencing Factors on December 19, 2010. (Doc.21). In his initial Response, Defendant filed no objections to the PSI.

2. On December 23, 2010, undersigned counsel was appointed to continue in Defendant's representation and received the Final PSI on January 5, 2011, which was not notably different from the initial Draft PSI filed in this matter.

3. Despite the foregoing, Defendant moves to amend his previous position with respect to sentencing factors and objects and disagrees with the

four (4) level enhancement based on the Specific Offense Characteristic asserted in ¶ 16 of the PSI and the assertion that the threat resulted in “substantial disruption to governmental functions” warranting a four (4) level offense level enhancement. Defendant asserts that a four hour delay in court proceedings at the Conecuh County Courthouse did not result in “substantial disruption to governmental functions” as contemplated in the Advisory Guidelines.

Wherefore, the premises considered, given Defendant's timely acceptance of responsibility, Defendant should be sentenced on a **Total Offense Level of 9** rather than a Total Offense Level of 13 thereby establishing an applicable advisory guideline sentencing range of **18 to 24 months** rather than **30 to 37 months**. Defendant reiterates his request that he be given credit for the time he has already served since December 17, 2009, when he was first arrested for the offense the basis of this prosecution.

Respectfully submitted,

/s/ CHRIST N. COUMANIS

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CERTIFICATE OF SERVICE

I do hereby certify that I have on **January 10, 2011** electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, and request the Court to serve the same electronically on the U.S. Attorneys and all counsel and parties of record in this matter.

/s/ Christ N. Coumanis

CHRIST N. COUMANIS (COUMC1593)